

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TROY COULSTON,)	
)	Civil Action No. 12 – 154J
Plaintiff,)	
)	District Judge Kim R. Gibson
v.)	
)	Chief Magistrate Judge Lisa Pupo Lenihan
STEVEN GLUNT, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On August 7, 2012, Plaintiff in the above-captioned case submitted for filing a civil rights Complaint in this Court. By Order dated August 13, 2012, Plaintiff was granted leave to prosecute this action *in forma pauperis* but he was advised that the Prison Litigation Reform Act of 1996, 28 U.S.C. § 1915(b), as amended April 26, 1996, requires that prisoners, who cannot pay the full filing fee immediately, submit the filing fee in installment payments. This Court ordered the agency having custody of Plaintiff to forward to the Clerk of Court payments from Plaintiff's prisoner account in the amount of twenty percent of the preceding month's income credited to Plaintiff's account each time his account exceeded ten dollars until the \$350 filing fee has been paid in full in accordance with the provisions of 28 U.S.C. § 1915(b). Plaintiff signed and returned the authorization of payment form permitting payment of the monthly installments and that form was forwarded to the institution at which time he was incarcerated, SCI-Houtzdale. However, as of this day **NO PORTION OF THE FILING FEE HAS BEEN PAID.**

The Court notes that Plaintiff's inmate account statement that he submitted on August 7, 2012, shows that he had over **\$529.72** deposited into his account from July 19, 2011 through July 17, 2012. Furthermore, Plaintiff recently initiated another case in this Court at Civil Action No.

14-112J. His inmate account statement submitted in that case indicates that Plaintiff has had over \$242.44 deposited into his account from December 17, 2013 through June 10, 2014. **This leads the Court to believe that the Inmate Account Office at SCI-Houtzdale has not been complying with this Court's Order dated August 13, 2012, wherein it directed that the \$350.00 filing fee be paid in accordance with 28 U.S.C. § 1915(b).** Therefore,

IT IS HEREBY ORDERED as follows:

1. Plaintiff is required to pay the filing fee of \$350.00 in accordance with 28 U.S.C. § 1915(b).

2. Pursuant to the Prison Litigation Reform Act, the Superintendent/Warden of the institution where this inmate is incarcerated is directed to remit from the prisoner's account, in monthly installments, the full \$350.00 fee. Enclosed is a copy of the Plaintiff's signed Authorization. Specifically, as soon as funds are available in the inmate's prison account, the Superintendent/Warden in any institution where the inmate is incarcerated is required by law to set aside and remit on a monthly basis 20 percent of the preceding month's deposits credited to the prisoner's account until the \$350.00 filing fee has been paid in full. Each time a deposit is made to the inmate's account, the Superintendent/Warden shall set aside the deposit immediately before any disbursement is made by the inmate, until an amount equal to 20 percent of the previous month's deposits is obtained. When the 20 percent amount is obtained, and the amount in the account exceeds ten dollars, it shall be transmitted in one monthly payment to the Clerk of Court. Each payment shall be clearly identified by the name and number of the prisoner and the number assigned to this action. Payments must be made payable to "Clerk, U.S. District Court of the Western District of Pennsylvania" and transmitted to:

Clerk's Office
United States District Court

Western District of Pennsylvania
700 Grant Street, Rm. 3110
Pittsburgh, PA 15219

In the event that Plaintiff is transferred to a different correctional facility before the full filing fee is paid, you must forward this Order to the Superintendent/Warden of the receiving institution. This Order will be binding on the Superintendent/Warden of any correctional facility where the prisoner is incarcerated until the filing fee is paid in full in accordance with the provisions of 28 U.S.C. § 1915(b)(1).

3. The Clerk of Court is directed to forward a copy of this Order to the Superintendent of SCI-Houtzdale where Plaintiff is currently incarcerated.

Dated: June 17, 2014.

/s/ Lisa Pupo Lenihan
Lisa Pupo Lenihan
Chief United States Magistrate Judge

Inmate Account Officer
SCI-Houtzdale
P.O. Box 1000
Houtzdale, PA 16698-1000

Ken Cameron
Superintendent
SCI-Houtzdale

Troy Coulston
SCI-Houtzdale

Counsel of Record